

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

MARITZA ALAMO-HORNEDO,

Plaintiff,

v.

ASBERTLY VARGAS-FRATICELLI, et
al.,

Defendants.

Civil No. 12-1394 (GAG)

ORDER

Defendants' motion to dismiss (Docket No. 14) is **GRANTED in part and DENIED in part** as follows:

I. Federal Claims

1. Plaintiff has pleaded a cause of action for sexual harassment under Title VII against the Parole Board and Commonwealth of Puerto Rico. Title VII does not allow for individual liability of other defendants in this case.
2. Plaintiff's claim of retaliation is not properly pleaded as per Rule 8(a)(2). Accordingly, the same is **DISMISSED**, if intended to be a claim.
3. The Eleventh Amendment bars Section 1983 claims under the First and Fourteenth Amendment against the Parole Board and Commonwealth.
4. Plaintiff's First and Fourteenth Amendment claims against individual defendants are generic and perfunctory. They, thus, do not meet the Rule 8(a)(2) pleading standard.
5. Plaintiff's conspiracy claim under Section 1995 likewise fails to meet the pleading requirement of Rule 8(a)(2).
6. The Whistleblower Act claim fails because Plaintiff is not a federal employee.

II. Supplemental Claims

7. The Article 1802 claims against individual defendants are properly pleaded.

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8. The local Whistleblower Act claim is not adequately pleaded as per Rule 8(a)(2) requires.

9. State law claims for sexual harassment remain as to individual defendants.

10. State law claims against the Parole Board and Commonwealth are barred by the Eleventh Amendment.

In sum, Plaintiff's sole surviving federal claim is that under Title VII against the Parole Board and Commonwealth. Supplemental claims against individual defendants under Article 1802 and state laws prohibiting harassment also remain. All other claims are **DISMISSED**.

The court must add that Plaintiff's complaint (Docket No. 1) and response to the motion to dismiss (Docket No. 20) are not a product of well-written pleadings, to say the least.

SO ORDERED.

In San Juan, Puerto Rico this 25th day of September 2012.

S/Gustavo A. Gelpi

GUSTAVO A. GELPÍ

United States District Judge